

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:25-cv-00102-RJC-WCM

FS MEDICAL SUPPLIES, LLC,

Plaintiff,

v.

TANNERGAP, INC.; TANNER  
PHARMA UK LIMITED;  
RAYMOND FAIRBANKS BOURNE,  
AKA “BANKS” BOURNE; and  
MARY EVERETT WHITEHURST  
BOURNE AKA “MOLLY” BOURNE,

Defendants.

---

ORDER

This matter is before the Court on a Motion for Oral Argument on Rule 12(b)(1) Motions and for a Rule 16 Hearing (the “Motion for Hearing,” Doc. 24) filed by FS Medical Supplies, LLC (“FSMS”). FSMS has filed identical motions in two related matters. FS Medical Supplies, LLC v. TannerGAP, Inc. and Tanner Pharma UK Limited, No. 3:21-cv-00501-RJC-WCM (“FSMS I”), Doc. 294; FS Medical Supplies, LLC v. Tanner Pharma UK Limited, Raymond Fairbanks Bourne, and Mary Everett Whitehurst Bourne, No. 3:23-cv-00598-RJC-WCM (“FSMS II”), Doc. 104.

FSMS requests that the Court set oral argument on motions to dismiss

that have been filed by Defendants in FSMS I and FSMS II.

Additionally, FSMS asks the Court “to hold a hearing under Rule 16(a) to expedite the disposition of these actions and to maintain control so that the cases will not be protracted.” Doc. 24 at 1.

Should the Court conclude that it needs additional information that does not appear in the partes’ briefing of the motions to dismiss pending in FSMS I and FSMS II, or the motions to dismiss that have now been filed by Defendants in the instant case, the Court will direct that a hearing be set.

As for the request for a Rule 16 hearing, such a hearing is not necessary at this time. The Court has managed these cases actively, bearing in mind the principles referenced in Rule 1 of the Federal Rules of Civil Procedure, and will continue to do so. Plaintiff’s interest in the expeditious disposition of these cases is appropriate, of course, but the undersigned is compelled to note that the January 6, 2025 motions deadline and the trial date of May 5, 2025 (as set by the Pretrial Order filed in March of 2024) were continued in light of a wave of pretrial filings by both sides, see Doc. 100, and further that those pretrial motions have been held in abeyance as a result of the filing of an Amended Citizenship Disclosure by FSMS on February 10, 2025 and Defendants’ subsequent motions to dismiss.

**IT IS THEREFORE ORDERED THAT** the Motion for Hearing (Doc. 24)  
is **DENIED**.

Signed: March 14, 2025

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf  
United States Magistrate Judge

